

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHERIE BUSIERE,

Plaintiff,

Civil No. 05-630-PK

v.

ORDER

PROVIDENCE HEALTH SYSTEM -
OREGON, an Oregon nonprofit corporation
doing business as PROVIDENCE HEALTH
SYSTEM,

Defendant.

HAGGERTY, Chief Judge:

Magistrate Judge Papak issued a Findings and Recommendation [51] in this action, recommending that defendant's Motion for Summary Judgment [21] and defendant's Motion to Strike [46] should be granted. Plaintiff filed objections to the Findings and Recommendation.

On November 6, 2006, the matter was referred to this court. When a party objects to any portion of a Findings and Recommendation, the district court must conduct a *de novo* review of that Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Findings and Recommendation provided a thorough analysis of the facts. This factual analysis is not objected to by plaintiff, and need not be repeated here.

Plaintiff asserts six bases for challenging the Findings and Recommendation. Plaintiff contends that the Findings and Recommendation erred by: (1) recommending that the district court grant defendant's motion to strike; (2) concluding that plaintiff's dystonia did not qualify as an actual disability; (3) concluding that defendant did not regard plaintiff as disabled; (4) finding that plaintiff failed to show defendant did not accommodate her; (5) concluding that plaintiff had failed to establish a *prima face* case of Family Medical Leave Act interference; and (6) finding that plaintiff had not established a wrongful discharge claim. For each of these objections, plaintiff relies on her previously filed opposition to defendant's summary judgment motion, which was considered and addressed by the Findings and Recommendation.

Plaintiff's objections to the Findings and Recommendation offer little in the way of new argument. Plaintiff does not challenge the material facts set forth in the Findings and Recommendation, nor does the plaintiff contend that the wrong legal standards were applied to her claims. Instead, plaintiff rehashes arguments made when responding to defendant's summary judgment motion. These arguments were comprehensively addressed and resolved by the Findings and Recommendation.

The court has given the file of this case a *de novo* review, and has also carefully evaluated the Findings and Recommendation, the objections, and the entire Record. The Judge's reasoning and recommendations are sound, correct, and entitled to adoption.

CONCLUSION

This court adopts the Findings and Recommendation [51]. Accordingly, defendant's Motion for Summary Judgment [21] and defendant's Motion to Strike [46] are granted and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

Dated this 22 day of December, 2006.

/s/ Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge